



A question of law is controlling if it could materially affect the outcome of the case. *See Winnett v. Caterpillar, Inc.*, 2007 WL 2123905 at \*4 (M.D. Tenn. July 20, 2007) (quotation omitted). A substantial ground for a difference of opinion exists when ““(1) the issue is difficult and of first impression; (2) a difference of opinion exists within the controlling circuit; or (3) the circuits are split on the issue.”” *Id.* (quoting *Gaylord Entm’t Co. v. Gilmore Entm’t Group*, 187 F.Supp.2d 926, 956 (M.D. Tenn. 2001)). An interlocutory appeal materially advances the ultimate termination of the litigation when it “save[s] judicial resources and litigant expense.” *Id.* at 6 (citation omitted). An interlocutory appeal should only be granted in exceptional circumstances and should be used sparingly to avoid protracted and expensive litigation. *Cardwell v. Chesapeake & Ohio R.R. Co.*, 504 F.2d 444, 446 (6th Cir.1974) (citation omitted).

Plaintiff has not pointed to any of these factors in support of her motion, and the Court does not find that any of the factors are present. Therefore, an interlocutory appeal is not warranted under 28 U.S.C. § 1292(b), and Plaintiff’s motion is **DENIED**.

IT IS SO ORDERED.

**s/ S. Thomas Anderson**  
S. THOMAS ANDERSON  
CHIEF UNITED STATES DISTRICT JUDGE

Date: January 28, 2021